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February 1, 2022

VIA ECF

The Honorable Brian M. Cogan, U.S.D.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Kliti v. Stay Fresh Grill II Corp. et al*
Case No.: 1:21-cv-06363-BMC

Dear Honorable Judge Cogan:

This law firm represents Defendants Stay Fresh Grill II Corp. (d/b/a Stay Fresh Grill & Deli), Ramon Guzman, Ali Ahmed, and Tariq “Doe” (collectively, the “Defendants”) in the above-referenced matter.

Pursuant to the directives contained in Your Honor’s November 17, 2021 Scheduling Order [Dckt. No. 6], this letter respectfully serves to supplement Plaintiff’s January 7, 2022 letter [Dckt. No. 11].

I. Statement of the Case

By way of background, this is an action under the Fair Labor Standards Act (“FLSA”) and the New York State Labor Law (“NYLL”) brought by one (1) individual for alleged violations of federal and state minimum wage, overtime, spread-of-hours and recordkeeping violations. [*See generally*, Dckt. No. 1 [Complaint]].

Specifically, the Complaint filed on November 16, 2021 (the “Complaint”, or the “*Compl.*”) alleges that during the relevant period Plaintiff Mohammad Kliti (“Plaintiff”) exclusively worked at Defendants’ deli located at 889 Broadway, Brooklyn, NY 11206 (“Stay Fresh Deli”).

The Complaint has multiple scrivener’s errors. For example, Paragraph 5 notes that Defendants operate “Caridad Restaurant”. [*See Compl.* at ¶ 5].

The Complaint also contends that Plaintiff worked at Stay Fresh Deli from February 24, 2019 until May 3, 2020 [*id.* at ¶ 49], and that Plaintiff took a four (4) month leave of absence from September 2019 to, through and including, December 2019 [*id.*]. Plaintiff allegedly worked six (6) days per week, twelve hours each day, with an occasional double-shift twice a month. [*Id.*]. As a result, Plaintiff alleges that he either worked seventy-two (72) hours or eighty-four (84) hours per week. [*Id.*].

During the relevant period, Plaintiff was required to clock-in and clock-out of a POS system, which tracked his days worked and hours worked. Defendants' are in the process of proving the undersigned law firm with copies of the POS reports.

II. Jurisdiction

Defendants do not dispute subject matter jurisdiction at the present time.

III. Dispute Resolution

Defendants respectfully request a referral to Court-annexed mediation.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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